

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

ERNEST AUSTIN, #1358922

V.

NATHANIEL QUARTERMAN, Director
Texas Department of Criminal Justice,
Corrections Institutions Division

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CIVIL ACTION NO. G-07-085


ORDER OF DISMISSAL

Before the Court for its Order of Acceptance is a Report and Recommendation of the Magistrate Judge, entered on March 20, 2007, which recommends that the Application for Writ of Habeas Corpus of Ernest Austin be dismissed with prejudice. Petitioner was granted an extension of time, until April 26, 2007, to file objections to the Report and Recommendation. To date, no objections have been filed.

Upon review pursuant to Rule 72 of the Federal Rules of Civil Procedure, and 28 U.S.C. § 636 (b)(1)(C), the Court is satisfied that there is no clear error on the face of the record in these proceedings and that the Report and Recommendation is a well reasoned and correct application of constitutional law, which is hereby **ACCEPTED** by this Court and incorporated herein, by reference.

It is therefore **ORDERED** that the Application for Writ of Habeas Corpus of Ernest Austin is hereby **DENIED** and this cause is **DISMISSED** with prejudice.

DONE at Galveston, Texas, this the 2nd day of May, 2007.



Samuel B. Kent
United States District Judge